

NASPAXRIVINST 12310.2B  
735000A

NAS PAXRIV INSTRUCTION 12310.2B

From: Commanding Officer

Subj: MILITARY SPOUSE EMPLOYMENT PREFERENCE

Ref: (a) Public Law 95-454  
(b) SECNAVINST 12310  
(c) OCPM 052125Z Feb 88  
(d) 5 CFR 310  
(e) CMMI 630.S12-2b(5)(e)  
(f) SECNAVINST 1754.1

Encl: (1) DODINST 1404.12  
(2) [Volunteer Service Agreement](#)

1. Purpose. To implement requirements of Public Law 99-145 per provisions of reference (a), as amended by Public Law 99-661, to provide employment preference and assistance to military spouses per references (b) and (c), and as prescribed in enclosure (1). To provide assistance to military spouses through volunteer experience per 10 United States Code (U.S.C.) 1588.

2. Cancellation. NAS PAXRIV Instruction 12310.2A.

3. Background. During the past 20 years, two-career families in our society have grown from 25 percent to nearly 50 percent of all families and are expected to reach 70 percent by the end of this decade. This trend is making retention of our career military members increasingly more difficult. Active support in the form of employment assistance to spouses relocating with their sponsors will greatly reduce the negative impact of relocating and will enhance military retention. In addition, 10 U.S.C. 1588 provides authority for acceptance of volunteer services for family support programs operated by military departments. Acceptance of volunteer services from military spouses for the purpose of skills enhancement to promote future employability is considered to fall within the realm of "family support". Its use is therefore encouraged. It is anticipated that volunteer services will be especially appropriate in situations involving updating the skills of those reentering the job market after an absence.

4. Applicability

a. Applies to:

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(1) Spouses of relocating military seeking employment assistance in appropriated fund position vacancies in the competitive services at grades GS-1 through GS/GM-15, or equivalent wage system positions, as determined by comparison of representative rates.

(2) All activities employing civilian employees in appropriated fund positions serviced by the Human Resources Office (HRO), Naval Air Station (NAS), Patuxent River, Maryland.

b. Policy regarding application of preference for overseas positions is addressed in Department of Defense (DOD) Directive 1400.23 of 18 September 1974 (NOTAL).

5. Policy. Military spouses will be provided preference in employment following the provisions of this instruction. In addition, spouses of military personnel under Permanent Change of Station (PCS) orders, but not eligible for preference, will be provided assistance in locating employment in the commuting area of their sponsor's new duty station. Such assistance will include provision of employment information, increased employment opportunity and counseling. This instruction does not supersede reference (d) prohibitions regarding nepotism.

6. Conditions for Acceptance of Volunteer Service

a. Volunteer services, in any capacity, may be accepted from spouses of active duty military members referred by Family Service Centers when:

(1) experience gained during such volunteer service will directly enhance future employability;

(2) services are not used as an alternative to paid employment for either the volunteer or any other person;

(3) services under this authority do not exceed a total of six months in any calendar year; and

(4) an agreement is executed between the spouse providing the services and the activity where the services are to be provided. (Enclosure (2) is a sample agreement.)

b. Volunteer services do not confer any type of civil service status. Volunteers shall not be considered to be a Federal employee for any purpose by reason of such service except:

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(1) for purposes of Chapter 81, Title 5, relating to compensation for work-related injuries; and

(2) for purposes of Chapter 171, Title 28, relating to tort claims.

c. Volunteers are not entitled to benefits or pay.

d. Volunteer service does not meet the requirement for a period of employment for the purpose of eligibility for noncompetitive appointment under Executive Order 12362 for certain former overseas employees.

e. The Department of the Navy (DON) is an equal employment opportunity (EEO) employer. All selections and assignments of volunteers will be made in full accordance with EEO principles.

## 7. Action

a. Naval Air Warfare Center Aircraft Division (NAVAIRWARCENACDIV) Directors/NAS Department Heads and Heads of tenant activities will extend employment preference to spouses of military personnel as follows:

(1) Military spouses must be selected ahead of other applicants for vacancies at GS-1 through GS/GM-15 and equivalent wage system positions when:

(a) The vacancy is in the commuting area of the sponsor's new duty station.

(b) Written application for employment preference, including verification of eligibility, was made (i.e., sponsor's PCS travel orders).

(c) The military spouse preference eligible was certified to the selecting official among the best qualified, properly rated and ranked candidates. Preference applicants must be evaluated under competitive merit promotion procedures to

determine eligibility for preference. Eligible candidates must be rated (i.e., all noncompetitive and competitive candidates) to ensure that the spouse preference eligibility is rated and ranked correctly.

(d) The grade of the position is no higher than a grade the spouse formerly held in a permanent position in the competitive service.

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(2) When more than one military spouse is being considered for a vacancy, selection may be made from among available military spouse preference eligibles in any order.

(3) A military spouse preference eligible referred on a certificate of eligibles issued by the Office of Personnel Management (OPM) will be given preference over nonpreference candidates if such a certificate is used to fill a job. Selection of the military spouse preference eligible is subject to the requirements for appointments from OPM registers, including the prohibition against passing over an available veteran. Preference is provided when the eligible spouse has filed a written application with HRO of preference eligibility.

(4) The eligibility period for military spouse employment preference is 30 days preceding the sponsor's arrival at the new duty station through an indefinite period of time after arrival. Preference eligibility during this period terminates upon placement into, or declination of, any continuing position that the eligible spouse has registered for employment preference. Military spouse employment preference may only be exercised once for each permanent relocation of the military sponsor under PCS orders. The preference is available to all eligible spouses whose sponsors have relocated on PCS orders since 13 August 1986.

(5) Military spouse employment preference is applicable when vacancies are announced for open competition. Covered positions include those in the competitive service which are expected to last beyond one year. This includes temporary positions when the position is a continuing position as defined in enclosure (1).

(6) Non-competitive placements do not require application of military spouse employment preference (e.g., reassignments, transfers, placements under Veterans Readjustment Authority

procedures, etc.) unless candidates for the vacancy were solicited through an open recruitment process. Placements to satisfy statutory or regulatory entitlements stemming from reemployment rights, grade retention and rights conferred by court decisions are not subject to provisions of this instruction. Preference candidates immediately appointable to Federal competitive service positions shall be referred to positions for which available and qualified through automated referral procedure for the DOD Priority Placement Program per DOD 1400.20-1-M. Included are current Federal employees, candidates with reinstatement eligibility and candidates appointable under Executive Order 12362 as amended. Preference does not apply to DON activities whose primary function consists of intelligence, counter-intelligence or national security responsibilities.

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b. NAVAIRWARCENACDIV Directors/NAS Department Heads and Heads of tenant activities shall notify HRO of duties suitable for military spouses in a volunteer capacity and the purpose of the assignment.

c. HRO will:

(1) Maintain records of individuals who apply for military spouse employment preference. Records must include position applied for, whether the spouse was referred for selection and entrance on duty date, if appointed. Records must be available for review during inspections and evaluations of personnel programs.

(2) Forward copies of the Notification of Personnel Action (SF-50), documenting the placement of military spouse employment preference applicants to the cognizant Echelon 2 command of the activities in which preference was granted.

(3) Provide information, upon request, regarding the activity's current and projected employment opportunities.

(4) Counsel spouses, upon request, on matters relating to relocation which affect continued or future employment. Such counseling will include, as a minimum:

(a) General information regarding prospective employment opportunities in DOD activities at the new duty station, including employment contacts. DOD 1400.20-2M (Counseling Manual for Stability of Civilian Employment) dated

June 1986, and "Working for the Navy: Regional Information", undated, should be used to provide this information.

(b) Information regarding entitlement to leave without pay and that Navy offers up to 90 days leave without pay to employed dependents of transferring military personnel per reference (e).

(c) Information regarding employment assistance and that counseling is available through Family Service Centers as established by reference (f).

(5) Provide assistance to relocating military spouses who are not eligible for preference.

(6) Maintain an Official Personnel Folder (OPF) for each volunteer. Normal procedures for establishment and disposal of OPFs will be followed. The OPF will include:

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(a) volunteer's SF-171 or other appropriate application;

(b) the purpose and location of the volunteer service; and

(c) total period of volunteer service.

SF-50s must be used to document all volunteer service under this provision. Records must be maintained for two years after the end of the latest period of volunteer service.

d. Eligible military spouses who have been denied military spouse preference entitlement may write to the Deputy Assistant Secretary of the Navy for Civilian Personnel/Equal Employment Opportunity (DASN (CP/EEO)) at 1000 Navy Pentagon, Washington, D.C. 20310-1000. The DASN (CP/EEO) will make the final determination.

8. Review Authority. Director, HRO shall review this instruction, making changes as necessary.

PAUL E. ROBERTS

Distribution:  
Distribution List II

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**VOLUNTEER SERVICE AGREEMENT**

VOLUNTEER SERVICE AGREEMENT BETWEEN \_\_\_\_\_ AND  
(ACTIVITY)  
\_\_\_\_\_.  
(MILITARY SPOUSE)

Statement of Understanding. This is an agreement for the provision of volunteer services under the provision on 10 U.S.C. 1588. In support of a family support program relating to enhanced employability of spouses of active duty military members, volunteer services as noted below will be provided.

The following conditions apply:

1. Volunteer service is for the purpose of providing work experience designed to develop skills which will enhance the opportunities for gaining paid employment.
2. Volunteer service is entirely without paid compensation.
3. Volunteers are not considered Federal employees for any purpose other than Tort Claims provisions and purposes relating to compensation for work-related injuries.
4. Volunteer service confers neither civil service status nor any entitlements to future employment with any Federal organization.

5. Volunteer service may be terminated at any time at the discretion of the host activity.

6. Volunteer service may not be used as an alternative to paid employment for the volunteer or any other person.

7. Volunteer service may not exceed a total of six months in any calendar year.

8. The volunteer service will be performed at \_\_\_\_\_ and will involve work experiences in such areas as \_\_\_\_\_.

Service is expected to comprise \_\_\_\_\_ hours per \_\_\_\_\_, and is expected to last for the period \_\_\_\_\_.

\_\_\_\_\_  
(Volunteer) (Date)

\_\_\_\_\_  
(Activity Representative) (Date)

Encl (2)